

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
IP-Enabled Services;	)	WC Docket No. 04-36
	)	
Implementation of Sections 255 and 251(a)(2)	)	WT Docket No. 96-198
of the Communications Act of 1934, as Enacted	)	
by the Telecommunications Act of 1996:	)	
Access to Telecommunications Service,	)	
Telecommunications Equipment and Customer	)	
Premises Equipment by Persons With	)	
Disabilities;	)	
	)	
Telecommunications Relay Services and	)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals	)	
With Hearing and Speech Disabilities;	)	
	)	
The Use of N11 Codes and Other Abbreviated	)	CC Docket No. 92-105
Dialing Arrangements	)	

**REPLY COMMENTS OF QWEST COMMUNICATIONS CORPORATION, INC.**

**I. INTRODUCTION**

Like the entities filing comments in response to the Federal Communications Commission's ("Commission") *Order and Public Notice Seeking Comment ("Order/Notice")*<sup>1</sup> in

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<sup>1</sup> See *In the Matter of IP-Enabled Services; Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by The Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons With Disabilities; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities, The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Order and Public Notice Seeking Comment, 20 FCC Rcd 18319 (2007). Comments were filed by Hamilton Relay, Inc. (or "Hamilton"), the National Emergency Number Association ("NENA"), Sprint Nextel Corporation ("Sprint

the above-captioned proceeding, Qwest supports the need for accessible services for those persons who have disabilities, in this case hearing disabilities. Access to Telephone Relay Service (“TRS”) providers, through the 711-dialing convention, is reasonable to the extent Voice over Internet Protocol (“VoIP”) offerings become substitutable for landline-telecommunications offerings. Yet, the filed comments demonstrate that the Commission’s decision to extend its 711-dialing rules to VoIP providers presents technology and industry challenges.

While Qwest supports the Commission’s overall objective of access, the challenges of achieving that objective may not be surmountable in a mere six months. Depending on the financial, human and technology resources available to any particular VoIP provider, creating the kind of access envisioned by the Commission -- as that vision was “clarified” in the Commission’s October, 2007 *Order on Reconsideration* -- might not be achievable by all carriers by April, 2008.

There are, apparently, some VoIP providers that will be able to meet that aggressive schedule.<sup>2</sup> At this time, Qwest is unable to say with certainty that it will require additional time to achieve the 711-dialing access; but it cannot say that it will not need such time. To the extent the Commission is not inclined to grant a further industry-wide extension, the waiver process will remain available to carriers able to show “special circumstances.”<sup>3</sup>

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Nextel”), the Voice on the Net (“VON”) Coalition, and the Wireless Communications Association International, Inc. (or “WCA”).

<sup>2</sup> See VON Coalition, *generally*.

<sup>3</sup> 47 C.F.R. § 1.3; and see, e.g., *BellSouth Corp. v. FCC*, 162 F.3d 1215, 1225 n.10 (D.C. Cir. 1999) (“The standard the Bureau should have applied allows the Commission to grant a waiver that is founded upon an appropriate general standard, shows special circumstances warranting a deviation from the general rule, and would serve the public interest.” See *Wait Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969).).

**II. THE TASKS ASSOCIATED WITH ACCOMPLISHING 711-DIALING BECOME INCREASINGLY COMPLEX WHEN 711-EMERGENCY DIALING IS PART OF THE CHALLENGE.**

**A. The Complexities of Delivering a 711-Dialed Call to the “Appropriate Relay Center,” as Well as the Capability to Deliver a 711-Dialed *Emergency* Call to the Correct PSAP, Require Industry Consultation, Collaboration, Consensus and Standardization.**

The *Order/Notice* asked for comment<sup>4</sup> on previously-filed extension-of-time requests: two filed on behalf of VoIP service providers (one by the VON Coalition, requesting an indefinite extension;<sup>5</sup> and one by the United States Telecom Association requesting a two-year extension);<sup>6</sup> and one filed by a TRS provider (Hamilton Telephone Company d/b/a Hamilton Communications (“Hamilton”), requesting an extension until the technical obstacle for routing “automatically and immediately” is overcome).<sup>7</sup> In the *Order/Notice*, the Commission granted a six-month extension of time to both types of service providers, with respect to their respective roles in processing a 711-dialed emergency call (*i.e.*, the VoIP provider must get the 711-dialed call to the “appropriate relay center,” defined as the center associated with the caller’s last registered address);<sup>8</sup> and the TRS provider must “automatically and immediately” route a 711-dialed emergency call to the correct Public Safety Answering Point (“PSAP”).<sup>9</sup>

Both tasks present significant technical, design and network complexities. And the first challenge (*i.e.*, the delivery of the 711-call to the TRS provider) is a predicate to the second<sup>10</sup> --

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<sup>4</sup> See *Order/Notice*, 22 FCC Rcd at 18325 ¶ 16.

<sup>5</sup> See Motion for Stay or Waiver of the Voice on the Net Coalition, filed Sept. 14, 2007.

<sup>6</sup> See United States Telecom Association Petition for Waiver of Certain Regulations Concerning Provision of 711 Dialing, filed Sept. 21, 2007.

<sup>7</sup> Petition for Waiver, filed Sept. 21, 2007 at 3.

<sup>8</sup> See *Order/Notice*, 22 FCC Rcd at 18323 ¶ 11.

<sup>9</sup> *Id.* at 18324 ¶ 12.

<sup>10</sup> See Sprint Nextel at 2.

far more difficult -- one (*i.e.*, the delivery by the TRS provider of the 711-emergency call to the right PSAP).

In Qwest's opinion, a rulemaking is not the ideal forum for crafting technical solutions to a matter of the kind involved in 711-dialed emergency calling situations. Rather, as the Commission appreciates, crafting such solutions will require (as stated by Wireless Communications Association International, Inc. and cited to by the Commission) "cooperation and dialogue among a variety of interested parties, including service providers, vendors, the disabled community, TRS providers and . . . the public safety community."<sup>11</sup> Until that cooperation and dialogue results in meaningful industry standards that can support the Commission's prescriptions, *and it undoubtedly will*,<sup>12</sup> VoIP and TRS providers will be incapable of fully complying with the Commission's prescriptions in any uniform, transparent manner. Development of such standards will inevitably take longer than six months; and will involve related matters of analog TTYs in a VoIP environment and associated packet loss and communication degradation.<sup>13</sup>

On the other hand, idiosyncratic "solutions" cobbled together by a variety of different VoIP providers will surely prove unsatisfactory to TRS providers. Those providers will not embrace a multitude of technological approaches and solutions with respect to receiving 711-

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<sup>11</sup> *Order/Notice*, 22 FCC Rcd at 18325 ¶ 17 and n.36. *And see letter from Andrew Kreig, Wireless Communications Association International, Inc. to Ms. Marlene H. Dortch, Federal Communications Commission, WC Docket No. 04-36, et al.*, filed Oct. 1, 2007.

<sup>12</sup> *Compare* NENA at 4 (referencing auto-location of VoIP calls to 911, but noting lots of activity and a willingness to work together among public safety and industry and standards organization representatives).

<sup>13</sup> *See* Sprint Nextel at 2; WCA at 2-3; VON Coalition at 5-10. This problem might be substantially mitigated if customers migrate from traditional TTY devices to IP-enabled ones. *See* VON Coalition at 9-10. In Qwest's opinion, this migration is likely to occur and accelerate over time.

dialed information.<sup>14</sup> Beyond the likely technical impossibility of a TRS provider's pursuit of such a scattershot, unfocused implementation approach, the costs (both monetary and human) in accommodating it would be extraordinary.

**B. A VoIP Service Provider is Required, Under the Commission's *TRS Orders to Route a 711-Dialed Call to the "Appropriate Relay Center."* It is *not* Required to Simultaneously Deliver Location Information.**

The comments suggest somewhat opposing views with respect to just what a VoIP provider is required to deliver to a TRS provider with respect to 711-dialing. The rule that the Commission extended to VoIP providers requires that service providers "provide . . . access via the 711 dialing code to all relay services as a toll free call."<sup>15</sup> The obligation is a transmission and routing obligation associated with the call and the dialing,<sup>16</sup> not the delivery of call-identifying information.<sup>17</sup>

While it may be true that wireline providers currently provide Automatic Number Identification ("ANI") information to relay service providers, along with delivering the call,<sup>18</sup> the delivery of that information is due more to the historical architecture of the wireline network than it is to any legal obligation under the Commission's 711-dialing rules.

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<sup>14</sup> Compare Hamilton at 3, arguing that TRS providers need to be "supplied with a *standardized* mechanism by VoIP providers for identifying the location of the calling party." (Emphasis added.) While Qwest disagrees with Hamilton's characterization of a VoIP provider's responsibility with respect to 711-dialing (*see* Section B., below), it is notable that Hamilton calls for a standard approach.

<sup>15</sup> 47 C.F.R. § 64.603.

<sup>16</sup> Compare *Order/Notice*, 22 FCC Rcd at 18320 ¶ 2 (noting that there were challenges "to the ability of . . . VoIP providers *to route* 711 calls"; and granting an extension with respect to "the requirement set forth in the *VoIP TRS Order* that . . . VoIP providers *must transmit* 711 calls *to an appropriate relay provider*." (first emphases added; second in the original).

<sup>17</sup> Compare 47 C.F.R. § 64.1601.

<sup>18</sup> Hamilton notes that wireline carriers currently provide TRS providers with ANI that allows a TRS provider to route a 711-dialed *emergency* call to an appropriate PSAP through a manual lookup process. *And see* NENA at 3-4 (describing this approach).

Moreover, in the case of VoIP service providers, whose customers often have some degree of mobility associated with their services, the “ANI” would not be relevant where a phone number has an NPA associated with Colorado, for example, but the customer’s last registered address was in New York. In fact, the ANI information would be misleading.

Access to location (or registered address) information is what the TRS provider needs in order to accomplish its legal obligations -- the delivery of a 711-dialed emergency call to the appropriate PSAP. Fundamentally, TRS providers need to interface with some kind of location database to route the call to the correct PSAP when the content of the call involves an emergency.

NENA’s comments correctly suggest that it would be the TRS provider (*not* the VoIP provider) that would be responsible for implementing a “solution or preparation of automated ten digit PSAP database -- [and] purchase of services to support them,” noting that such creation would not be “cheap, particularly in relation to the relatively low numbers of TRS calls requiring 9-1-1 forwarding.”<sup>19</sup> It then proposes that the interstate and intrastate TRS funds “could defray such expenses.”<sup>20</sup> VoIP providers would, obviously, be in no position to seek cost mitigation from such government funds.

NENA envisions the re-configuration of a TRS provider’s network to allow it to “access . . . the registered location of the TRS caller, just as the VoIP provider knows the registered location of its customers.”<sup>21</sup> In Qwest’s opinion, this would require the TRS provider either: (1) to establish an elaborate database itself (to accommodate a very few number of 711-dialed emergency calls); or (2) somehow find a technical way to tap into a VoIP provider’s database

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<sup>19</sup> NENA at 4.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 3.

(assuming the VoIP provider would be willing); or (3) determine some way to make use of a 911 database operator's database to process select calls on few occasions. This is no small task, as is demonstrated by the fact that NENA concludes its discussion by observing that "the solution to routing the 711 caller to the appropriate PSAP would work essentially the same way a nomadic VoIP call is currently configured."<sup>22</sup>

### III. CONCLUSION

NENA's vision of what it would take for a TRS provider to become compliant with the Commission's *Reconsideration Order/Notice* may be determined -- by industry and disability specialists working together -- to represent a radical overbuild, and one that would take years to design and implement. It is possible that the costs of such an enterprise, given the benefit to be achieved (*i.e.*, the processing of a select number of 711-dialed calls (those of an emergency nature)) could be found not to be in the public interest. But it seems clear that differences of opinion and approach undoubtedly will be resolved through further industry discussion and collaboration.<sup>23</sup> Those discussions will require a period of time for collaboration and creation

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<sup>22</sup> NENA at 3.

<sup>23</sup> It is clear that VoIP and TRS providers need to work together to achieve the final objective. *See, e.g.*, VON Coalition at 5 (noting that it is currently impossible for a TRS provider to automatically route emergency 711 calls from non-native phone numbers, but also urging "continued cooperation to find a technically and operationally feasible solution."). But it is also clear that it is incorrect to state that "ultimately it will be the VoIP providers that will be required to implement [the 711-PSAP routing] solution." Hamilton at 3 and similar remark at 4. As discussed above, VoIP providers can achieve their obligation under the Commission's *TRS Orders* by routing 711-dialed calls (regardless of content) to the appropriate state TRS provider. The PSAP-routing function is lodged in the TRS provider.

before rushing to implement one particular “solution” over another. And that may well require longer than six months.

Respectfully submitted,

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December 17, 2007



CERTIFICATE OF SERVICE

I, Eileen Kraus, do hereby certify that I have caused the foregoing **REPLY**  
**COMMENTS OF QWEST COMMUNICATIONS CORPORATION, INC** to be: 1) filed  
with the Secretary of the FCC via its Electronic Comment Filing System in WC Docket No. 04-  
36, CG Docket No. 03-123, WT Docket No. 96-198 and CC Docket No. 92-105; 2) served via e-  
mail on the FCC's duplicating contractor Best Copy and Printing, Inc. at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); and  
3) served via First Class United States Mail, postage prepaid, on the parties listed on the attached  
service list.

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